



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CRYSTAL ANDERSON,
Plaintiff,

vs.

NATIONWIDE CREDIT, INC.,
Defendant.

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Civil Action No. 3:21-2683-MGL-PJG

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S REQUEST TO DISMISS WITHOUT PREJUDICE,
AND RENDERING AS MOOT DEFENDANT'S MOTION TO DISMISS**

Plaintiff Crystal Anderson (Anderson), a self-represented litigant, filed this lawsuit against Defendant Nationwide Credit, Inc. (Nationwide). The action is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Anderson's request to voluntarily dismiss this matter without prejudice be granted and Nationwide's motion to dismiss be rendered as moot. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 2, 2022. The next day, on February 3, 2022, the Clerk mailed a copy of the Report to Anderson. On February 22, 2022, however, the Post Office returned Anderson's copy of the Report to the Clerk marked: "RETURN TO SENDER[.] NOT DELIVERABLE AS ADDRESSED[.] UNABLE TO FORWARD[.]"

Neither party filed any objections to the Report. "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court Anderson's request to voluntarily dismiss this matter without prejudice is **GRANTED** and Nationwide's motion to dismiss is **RENDERED AS MOOT**.

IT IS SO ORDERED.

Signed this 28th day of March, 2022, in Columbia, South Carolina.

/s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.